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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,566	07/22/1999	YOSHIROU YAMAZAKI	1110-0247P	2983

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EXAMINER	
LAMB, TWYLER MARIE	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/359,566	YAMAZAKI, YOSHIROU	
	Examiner	Art Unit	
	Twyler M. Lamb	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9 and 14 –17 are rejected under 35 U.S.C. 103(a) as being obvious over Kusumoto et al. (Kusumoto) (U.S. 5,579131) in view of Sakaguchi (US 5,912,724).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the

reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

With regard to claims 1, 4 and 17, Kusumoto discloses an image reading apparatus (Figure 1; col 3, lines 44-52) comprising: an image sensor (color CCD sensor 112) which separates into three primary colors light bearing an image of an original (film 11; col 12, lines 13-18) and photoelectrically reads said light (col 3, line 65 – col 4, line 1); original type acquiring means for detecting or setting an original type of said original (which reads on the image reading apparatus being arranged to illuminate films of different sizes) (col 4, lines 8-14); and said light quantity balance adjusting means (filter section 25) for catching among colors a balance of light quantity of said light that is incident on said image sensor (col 4, lines 62-67) in accordance with the original type obtained by said original type acquiring means by adjusting light quantity of light which is issued from a light source and incident on an original in accordance with the original type (col 4, lines 8-67).

Kusumoto does not teach said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type.

Sakaguchi discloses an image read-out device that includes said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type (col 9, lines 38-53).

There fore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kusumoto to include said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type as taught by Sakaguchi. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kusumoto by the teaching of Sakaguchi to adjust the quantity of light incident projecting as taught by Sakaguchi in col 9, lines 38-53.

With regard to claims 2 and 5, Kusumoto discloses the image reading method, wherein balancing said light quantity among colors is formed by changing an optical balance in an optical system form the light source to the image sensor including the original (column 9, line 55 to column 10 line 2).

With regard to claim 3, Kusumoto discloses the image reading method, wherein said original type includes at least a color negative film and a color reversal film (column 5, lines 7-45).

With regard to claim 6, Kusumoto discloses the image reading apparatus, wherein said light quantity balance adjusting means changes the optical balance in the optical system from the light source to the image sensor including said original (column 9, line 55 to column 10, line 2) and decreases color mixing in the three primary colors (column 9, lines 26-28; switching filters decrease the mixing of colors.).

With regard to claim 7, Kusumoto discloses the image reading apparatus, wherein said light quantity balance adjusting means includes an optical filter (column

21, lines 38-45; these elements, including the filter, work together to adjust the quantity of light.).

With regard to claim 8, Kusumoto discloses the image reading apparatus, wherein said original type includes at least a color negative film and color reversal film (column 5, lines 7-45).

With regard to claim 9, Kusumoto discloses the image reading apparatus, wherein said light quantity balance adjusting means will not operate in a reference type of the original (column 21, line 62 to column 22, line 6).

With regard to claim 14, Kusumoto discloses the image reading apparatus, wherein said peak value changing means of said spectral sensitivity distribution will not operate in a reference type of the original (column 22, lines 24-37).

With regard to claim15, Kusumoto also wherein said light quantity of light which is incident on said image sensor is balanced with every color in accordance with the original type (column 9, line 55 to column 10 line 2).

With regard to claim16, Kusumoto also discloses wherein said light quantity balance adjusting means catches with every color the balance of the light quantity of said light that is incident on said image sensor in accordance with the original type (column 9, line 55 to column 10 line 2).

3. Claims 10-13 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Kusumoto et al. (Kusumoto) (U.S. 5,579131) in view of Sakaguchi (US 5,912,724), and further in view of Imoto (U.S. Patent 5,264,948).

With regard to claim 10, Kusumoto as modified fails to disclose the image reading apparatus further comprising: spectral sensitivity changing means for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted among colors, as well as said respective means.

However, Imoto discloses the image reading apparatus further comprising: spectral sensitivity changing means (Figure 33, reference element 231) for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted among colors, as well as said respective means (column 51, line 56 to column 52, line 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kusumoto to allow various types of processing to be easily performed and therefore provide color copies of high quality.

With regard to claim 11, Kusumoto as modified fails to disclose the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution in accordance with the original type.

However, Imoto discloses the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution (column 54, lines 4-39) in accordance with the original type (column 54, lines 52-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kusumoto to allow various types of processing to be easily performed and therefore provide color copies of high quality.

With regard to claim 12, Kusumoto as modified fails to disclose the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from the light source to the image sensor including said original.

However, Imoto discloses the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from the light source to the image sensor including said original (column 54, lines 4-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kusumoto to allow various types of processing to be easily performed and therefore provide color copies of high quality.

With regard to claim 13, Kusumoto as modified fails to disclose the image reading apparatus, wherein said light quantity balance adjusting means and said peak value changing means of said spectral sensitivity distribution are integrated into a single optical unit.

However Imoto discloses the image reading apparatus, wherein said light quantity balance adjusting means (column 1, lines 35-42; exposure lamp adjust its

intensity to read out optical image) and said peak value changing means (column 53, lines 25-29; reference element 231) of said spectral sensitivity distribution are integrated into a single optical unit (column 4, lines 49-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kusumoto to allow various types of processing to be easily performed and therefore provide color copies of high quality.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 703-308-8823. The examiner can normally be reached on M-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Twyler M. Lamb
Examiner
Art Unit 2622